

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

DO NOT WRITE IN THIS SPACE	
Case 05-CB-236081	Date Filed 2/11/19

INSTRUCTIONS: File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union Security, Police, and Fire Professionals of America, Local 444		b. Union Representative to contact Willie Jones, Local President	
c. Phone: 215-879-1832	d. Address (street, city, state and ZIP code) 75 E. Cherry St., Suite 8A, Rahway, NJ 07065		
e. The above-named organization(s) or its agents has engaged in and is engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about (b) (6), (b) (7)(C) 118, the above-named labor organization, by its officers, agents, and representatives, restrained and coerced the employees of Omniplex World Services Corp. in the exercise of the rights guaranteed in Section of the Act by failing to represent employee (b) (6), (b) (7)(C) and refusing to process (b) (6), (b) (7)(C) grievance.			
3. Name of Employer Omniplex World Services Corp.		4. Phone: 703-652-3100	
5. Location of plant involved (street, city, state and ZIP code) 445 12th St., SW, Washington, D.C. 20554		6. Employer representative to contact Philip McGrew	
7. Type of establishment (factory, mine, wholesale, etc.) Government Building	8. Identify principal product or service Security Services	9. Number of workers employed 50	
10. Full name of party filing charge (b) (6), (b) (7)(C)			
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		12. Phone: (b) (6), (b) (7)(C)	
		E-mail: (b) (6), (b) (7)(C)	
13. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) By (signature of representative or person making charge) (b) (6), (b) (7)(C) (Address) An Individual (title or office, if any) Phone: (b) (6), (b) (7)(C) FAX: (b) (6), (b) (7)(C) 02/11/19 (date)			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

May 14, 2019

(b) (6), (b) (7)(C)

Re: International Union Security, Police, and
Fire Professionals of America, Local 444
(Omniplex World Services Corp.)
Case 05-CB-236081

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Union Security, Police and Fire Professionals of America, Local 444 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

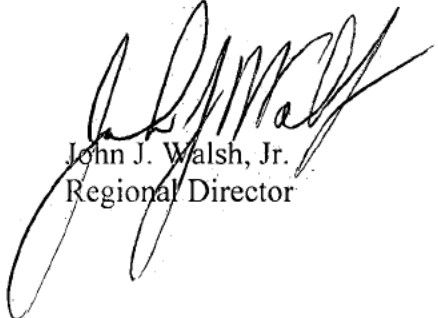
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on May 28, 2019. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than May 27, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before May 28, 2019.** The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after May 28, 2019, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



John J. Walsh, Jr.
Regional Director

Enclosure

International Union Security, Police, and
Fire Professionals of America, Local 444
(Omniplex World Services Corp.)
Case 05-CB-236081

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cc: International Union Security, Police and
Fire Professionals of America, Local 444
Attn: Willie Jones, President
75 East Cherry Street, Suite 8A
Rahway, NJ 07065

Gregory A. Gordon, General Counsel for
International Union Security, Police and
Fire Professionals of America
Gregory, Moore, Jeakle & Brooks, PC
65 Cadillac Square, Suite. 3727
Detroit, MI 48226-2893

Omniplex World Services Corp.
Attn: Philip McGrew, Program Manager
445 12th Street, S.W.
Washington, DC 20554

Omniplex World Services Corp.
Attn: Michael W. Goodwin,
Director Labor Relations
7121 Fairway Drive, Suite 201
Palm Beach Gardens, FL 33418-4202



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

May 21, 2019

(b) (6), (b) (7)(C)

Re: International Union Security, Police, and
Fire Professionals of America, Local 444
(Omniplex World Services Corp.)
Case 05-CB-236081

Dear (b) (6), (b) (7)(C)

We have received your appeal and accompanying material. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you and all other involved parties as soon as possible of our decision.

Sincerely,

Peter Barr Robb
General Counsel

By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: JOHN J. WALSH, JR.
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
26 FEDERAL PLZ STE 3614
NEW YORK, NY 10278-3699

MICHAEL W. GOODWIN
DIRECTOR LABOR RELATIONS
OMNIPLEX
7121 FAIRWAY DR STE 201
PALM BEACH GARDENS, FL 33418-4202

International Union Security, Police, and
Fire Professionals of America, Local 444
(Omniplex World Services Corp.)
Case 05-CB-236081

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WILLIE JONES, PRESIDENT
INTERNATIONAL UNION SECURITY,
POLICE AND FIRE PROFESSIONALS
OF AMERICA, LOCAL 444
75 E CHERRY ST STE 8A
RAHWAY, NJ 07065

PHILIP MCGREW
OMNIPLEX WORLD SERVICES CORP.
445 12TH ST SW
WASHINGTON, DC 20554

GREGORY A. GORDON
GENERAL COUNSEL
GREGORY, MOORE, JEAKLE
& BROOKS, PC
65 CADILLAC SQ STE 3727
DETROIT, MI 48226-2893

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

June 11, 2019

(b) (6), (b) (7)(C)

Re: International Union Security, Police, and
Fire Professionals of America, Local 444
(Omniplex World Services Corp.)
Case 05-CB-236081

Dear (b) (6), (b) (7)(C):

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

Your charge alleged that the Union violated Section 8(b)(1)(A) of the National Labor Relations Act (Act) by refusing to process your grievance over a Corrective Action Notice you received. The Regional Office's investigation disclosed insufficient evidence to establish that the Union breached its duty of fair representation, as alleged. While a union owes employees a duty of fair representation regarding disputes arising with an employer, the Act affords unions a wide range of reasonableness in carrying out this duty. Thus, absent a showing that a union based its decision on arbitrary, irrelevant or discriminatory considerations, the mere refusal of a union to process a grievance is not unlawful under the Act. See, *Vaca v. Sipes*, 386 U.S. 171 (1967); *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953).

In this case, the investigation did not establish that the Union handled your grievance in an unlawful manner. Rather, the Union based its decision to not process your grievance further on the language of the document titled Statement of Work (SOW), which required you to have a valid driver's license to work in your position. The SOW is an agreement between the Employer and the federal agency where you worked. The evidence establishes that the Union processed your grievance and determined that there was no violation of the collective bargaining agreement and that there was no basis to proceed any further. In that regard, the collective-bargaining agreement states that any actions taken by the Employer pursuant to a legal requirement or contractual requirement imposed by the Employer's United States Government Customer shall not constitute a breach of the collective-bargaining agreement. Under these circumstances, the Union's decision to not process your grievance further was not unreasonable and was not unlawful under the Act.

Regarding your argument in your appeal that you were not given notice about the existence of the SOW by the Employer that required you to possess a valid driver's license, please note that the National Labor Relations Board does not determine whether a particular grievance is in fact meritorious. Rather, the Agency is to decide whether a union breached its duty of fair representation in refusing to proceed with a particular grievance or other dispute between an employee and (b) (6), employer. In the absence of any arbitrary or discriminatory conduct on the part of the Union, the burden could not be met of establishing that the Union violated the Act, as alleged.

Sincerely,

Peter Barr Robb
General Counsel



By: _____

Mark E. Arbesfeld, Director
Office of Appeals

cc: NANCY WILSON
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
BANK OF AMERICA CTR
TOWER II
100 S CHARLES ST STE 600
BALITMORE, MD 21201

JOHN J. WALSH, JR.
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
26 FEDERAL PLZ STE 3614
NEW YORK, NY 10278-3699

WILLIE JONES, PRESIDENT
INTERNATIONAL UNION SECURITY,
POLICE AND FIRE PROFESSIONALS
OF AMERICA, LOCAL 444
75 E CHERRY ST STE 8A
RAHWAY, NJ 07065

GREGORY A. GORDON
GENERAL COUNSEL
GREGORY, MOORE, JEAKLE &
BROOKS, PC
65 CADILLAC SQUARE STE 3727
DETROIT, MI 48226-2893

International Union Security, Police, and
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PHILIP MCGREW
OMNIPLEX WORLD SERVICES
CORP.
445 12TH ST SW
WASHINGTON, DC 20554

MICHAEL W. GOODWIN
DIRECTOR LABOR RELATIONS
OMNIPLEX
7121 FAIRWAY DR STE 201
PALM BEACH GARDENS, FL 33418-4202

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